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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continued Prosecution Application of:

Goto, *et al.*

Appl. No.: 09/338,063

Filed: June 23, 1999

For: **Novel Proteins and Methods for Producing the Proteins**

Art Unit: 1644

Examiner: Ewoldt, G.

Atty. Docket: 16991.005

Commissioner for Patents
Washington, D.C. 20231

Sir:

STATEMENT ON THE AVAILABILITY OF DEPOSITED MATERIAL

I, Tohru Watanabe, am in a position to verify that hybridomas A1G5, D2F4, and E3H8, which were deposited on February 5, 2001 as Accession Nos. FERM BP-7441, FERM BP-7442, and FERM BP-7443, respectively, in the National Institute of Bioscience and Human – Technology National Institute of Advanced Industrial Science and Technology, will be maintained in a public depository for a term of at least 30 years and at least five years after the most recent request for the furnishing of a sample of the deposit is received by the depository. In any case, samples will be stored under agreements that would make them available beyond the enforceable life of any patent issuing from the above-referenced application.

August 9, 2002
Date

Tohru Watanabe
Signature

Tohru Watanabe
Name:

Title:

PATENT
Attorney Docket No. FJN-060DV2
(3999/63)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Goto et al.		
SERIAL NO.:	09/338,063	GROUP NO.:	1644
FILING DATE:	June 23, 1999	EXAMINER:	Ewoldt, G.
TITLE:	NOVEL PROTEINS AND METHODS FOR PRODUCING THE PROTEINS		

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

STATEMENT ON THE AVAILABILITY OF DEPOSITED MATERIAL

I, Hiroshi Niki, am in a position to verify that all restrictions imposed by the depositor on the availability to the public of hybridomas, A1G5, D2F4, and E38H, which were deposited on February 5, 2001 as Accession Nos. FERM BP-7441, FERM BP-7442, and FERM BP-7443, respectively, in the National Institute of Bioscience and Human-Technology National Institute of Advanced Industrial Science and Technology, will be irrevocably removed upon granting of a patent on the instant application.

Nov. 2, 2001
Date

仁木 弘
Name: Hiroshi Niki, Ph.D.
Title: Managing Director

2044216

(Translation)

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page.

TO DEPOSITOR:
Name: Research Institute of Life Science
Snow Brand Milk Products Co., Ltd.
General Manager: Syozo OBA
Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,
Ishibashi-Cho, Shimotsuga-gun, Tochigi-ken,
329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM

Identification Reference Given by the Depositor: A1G5

Acession Number: FERM BP-7441

II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION

The microorganism identified under I above was accompanied by a document stating the following item(s).

- ■ A Scientific Property
- ■ Taxonomic position

III. RECEIPT AND ACCEPTANCE

This authority accepts the microorganism identified under I above, which was received on February 5, 2001.

IV. RECEIPT OF TRANSFER

This authority received the microorganism identified under I above on , , and transfer of the deposit based on the Budapest Treaty on , ,

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Natinal Institute of Bioscience and Human-Technology
Natinal Institute of Advanced Industrial Scienceand Technology

Representative: Ohashi Shinichi (Sealed)
Dr. Ohashi Shinichi , DIRECTOR GENERAL

Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken
305-8566, JAPAN

Date: February 5, 2001

(Translation)

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

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TO DEPOSITOR:

Name: Research Institute of Life Science
Snow Brand Milk Products Co., Ltd.
General Manager: Syozo OBA

Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,
Ishibashi-Cho, Shimotsuga-gun, Tochigi-ken,
329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: D2F4	Acession Number: FERM BP-7442

II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION

The microorganism identified under I above was accompanied by a document stating the following item(s).

- ■ A Scientific Property
- ■ Taxonomic position

III. RECEIPT AND ACCEPTANCE

This authority accepts the microorganism identified under I above, which was received on February 5, 2001.

IV. RECEIPT OF TRANSFER

This authority received the microorganism identified under I above on . . . and transfer of the deposit based on the Budapest Treaty on . . .

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Natinal Institute of Bioscience and Human-Technology
Natinal Institute of Advanced Industrial Scienceand Technology

Representative: Ohashi Shinichi (Sealed)
Dr. Ohashi Shinichi , DIRECTOR GENERAL

Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken
305-8566, JAPAN

Date: February 5, 2001

(Translation)

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

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TO DEPOSITOR:

Name: Research Institute of Life Science
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General Manager: Syozo OBA

Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,
Ishibashi-Cho, Shimotsuga-gun, Tochigi-ken,
329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM

Identification Reference Given by the Depositor: E3H8

Acession Number: FERM BP-7443

II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION

The microorganism identified under I above was accompanied by a document stating the following item(s).

- ■ A Scientific Property
- ■ Taxonomic position

III. RECEIPT AND ACCEPTANCE

This authority accepts the microorganism identified under I above, which was received on February 5, 2001.

IV. RECEIPT OF TRANSFER

This authority received the microorganism identified under I above on . . and transfer of the deposit based on the Budapest Treaty on . . .

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Natinal Institute of Bioscience and Human-Technology
Natinal Institute of Advanced Industrial Scienceand Technology

Representative: Ohashi Shinichi (Sealed)
Dr. Ohashi Shinichi , DIRECTOR GENERAL

Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken
305-8566, JAPAN

Date: February 5, 2001

PATENT
Attorney Docket No. FJN-060DV2
(3999/63)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Goto et al.		
SERIAL NO.:	09/338,063	GROUP NO.:	1644
FILING DATE:	June 23, 1999	EXAMINER:	Ewoldt, G.
TITLE:	NOVEL PROTEINS AND METHODS FOR PRODUCING THE PROTEINS		

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CORROBORATION OF BIOLOGICAL DEPOSIT UNDER MPEP §2406.02

I, Syozo Oba, am in a position to corroborate that the biological material, A1G5, D2F4, and E38H which was deposited on February 5, 2001 as Accession Nos. FERM BP-7441, FERM BP-7442, and FERM BP-7443, respectively, in the National Institute of Bioscience and Human-Technology National Institute of Advanced Industrial Science and Technology is the biological material specifically identified in the above-referenced patent application.

3/23, 2001
Date

Syozo Oba
Name: Syozo Oba
Title: General Manager
Research Institute of Life Science
Snow Brand Milk Products Co., Ltd.

2044216